Remarks

1. Summary of the Office Action

In the final Office Action mailed June 27, 2005, the Examiner rejected claims 1-6 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,477,150 (Maggenti).

2. The Claimed Invention

Applicant has amended claims 1-3 to move a limitation from claim 3 into claims 1 and 2, and Applicant has similarly amended claim 4-5 to move a limitation from claim 5 into claim 4. The moved limitation provides that the trigger for transmitting buffered media is the establishment of an RTP leg over which to transmit the media. Applicant has further amended claims 1 and 4 to state, in turn, that the media is then transmitted over the RTP leg.

Applicant has also added a new claim 18. Claim 18 is largely a combination of former (cancelled) claims 8 and 10, which recited that (i) a mobile station buffers an initiating user's speech signal until a transmission path exists along which the mobile station can send the initiating user's speech signal to a PTT server, *and* (ii) the PTT server also buffers the initiating user's speech signal until a transmission path exists along which the PTT server can send the initiating user's speech signal to a terminating mobile station. Further, Applicant has included in new claim 18 the limitation that the transmission paths are RTP legs, and Applicant has indicated in the claim that (a) the initiating mobile station buffers the initiating user's speech signal while working to set up an initiating RTP leg over which it will transmit the signal to the PTT server *and* (b) the PTT server buffers the initiating user's speech signal while working to set up a terminating RTP leg over which it will transmit the signal to the terminating mobile station.

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3. Response to Rejections

As noted above, the Examiner rejected claims 1-6 as being anticipated by Maggenti. Applicant respectfully traverses this rejection with respect to the pending claims 1-6 and 18, because Maggenti fails to teach (expressly or inherently) all of the elements of any of these claims as would be required to support an anticipation rejection under M.P.E.P. § 2131. In particular, Maggenti fails to teach a mobile station buffering initial speech until establishment of an initiating RTP leg over which to transmit the speech, and Maggenti further fails to teach a PTT server buffering initial speech until establishment of a terminating RTP leg over which to transmit the speech.

a. Maggenti Fails to Teach a Mobile Station Buffering Initial Speech Until Establishment of an Initiating RTP Leg

According to Maggenti, an initiating communication device (CD) has an RTP leg before the initiating CD even begins receiving a user's initial speech signal. Thus, Maggenti does not teach a mobile station waiting until establishment of an initiating RTP leg to begin buffering initial speech.

Maggenti teaches having an initiating CD buffer media until the initiating CD receives a floor-grant message from the communication manager (CM) indicating that the CD has the floor. However, Maggenti apparently further teaches that, at the time the CD requests the floor, the CD already has an RTP leg set up with the CM. In particular, Maggenti teaches that, *when a CD first powers on, it* finds and joins a desired net and *initiates an RTP channel with the CM.* (*See* Maggenti, at column 11, line 60 – column 12, line 63.) Further, Maggenti teaches that, when user presses a PTT button on a net member CD in an effort to take the floor, the CD begins buffering the user's speech and sends an a PTT floor-request to the CM, and, upon receipt of a

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positive response (floor-grant) from the CM, the CD begins transmitting the buffered speech to the CM. (*See* Maggenti, at column 30, lines 27-61; column 35, line 52 – column 36, line 24).

Since Maggenti teaches that the CD has an RTP leg with the CM *before* the CD requests the floor, Maggenti does not suggest the function of a CD buffering initial speech and waiting for establishment of an initiating RTP leg before transmitting the buffered speech to the CM. Rather, Maggenti teaches merely that a CD buffers initial media until the CD receives the floor, and then the CD begins transmitting the buffered media over its *previously-established* RTP session to the CM. Thus, Maggenti's trigger for the CD beginning to release buffered speech is acquisition of the floor, not establishment of an initiating RTP leg as presently claimed.

b. Maggenti Fails to Teach a PTT Server (i.e., Intermediate Entity) Buffering Initial Speech Until Establishment of a Terminating RTP Leg

According to Maggenti, the CM buffers speech until one of two events occurs: (i) a predefined wake-up timer expires after the CM sends an "Are You There" (AYT) message to each terminating CD, or (ii) a predefined number of the terminating CDs responds to the AYT message. (*See* Maggenti, at column 35, lines 2-29). Neither of these events involves the CM waiting for establishment of a terminating RTP leg before the CM transmits initial speech to a terminating CD.

As discussed above, Maggenti teaches that, when each CD joins a net, the CD establishes an RTP session with the CM. Maggenti then teaches that, when the CM has speech to send to terminating CDs, the CM sends an AYT message to each terminating CD to wake up the CD from a potential dormant state (i.e., so that the CD will acquire a radio link if it does not have one already). After waiting for the wakeup timer to expire or waiting or the predefined number of AYT responses, it appears that the CM then begins to transmit buffered speech to the terminating CDs over its previously established RTP leg to each CD.

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Since Maggenti teaches that the CM has an RTP leg with each CD *before* the CM sends AYT messages to the CDs, Maggenti does not suggest the function of a CM buffering initial speech and waiting for establishing of a terminating RTP leg before transmitting the buffered initial speech to a terminating CD as presently claimed.

c. Conclusion

Because Maggenti does not teach having a CD (e.g., mobile station) or a CM (e.g., PTT server) buffer media until establishment of an RTP leg over which the media can be transmitted, Maggenti fails to teach all of the elements of any of the pending claims. Consequently, Maggenti does not anticipate the pending claims.

Accordingly, Applicant respectfully requests favorable reconsideration and allowance of the pending claims.

Should the Examiner wish to discuss this case with the undersigned, the Examiner is invited to call the undersigned at (312) 913-2141.

Respectfully submitted,

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